

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**  
C.P. No. D – 207 of 2026  
[Naseer Ali v. Province of Sindh & others]

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
	Before:- <b>Mr. Justice Adnan-ul-Karim Memon</b> <b>Mr. Justice Zulfiqar Ali Sangi.</b>

**Date of hearing and order:-29-04-2026**

Barrister Aashir Masood, Advocate for the Petitioner alongwith Barrister Qayyum Nizamani, Advocate.  
Mr. Hameer Khan Sher, Advocate for the Respondents 11 to 15.  
Mr. Mehrab Ali Khan and Ghulam Farooq Dahri, Advocates for Respondent No.13.  
Mr. Musharaf Azhar, Advocate for the Respondent No.28.  
Mr. Fayyaz A. Awan, Advocate for Respondent No.30.  
Mr. Taimoor Ali Mangrio, Advocate for the Respondent No.31.  
M/s. Abdul Jalil Zubedi and Ali Safdar Deepar, AAGs Sindh alongwith Mr. Ghulam Ali Ghouri, Deputy Director, SPSC and Sohail Ahmed Patel, Asst. Director, SPCs.

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**ORDER**

**Adnan-ul-Karim Memon, J** The Petitioner, Naseer Ali, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking, inter alia, declaration that the impugned press release dated 28.07.2025, subsequent recommendation letter dated 01.08.2025, appointment order dated 02.01.2026, and the entire recruitment process for the post of Assistant Sub-Inspector (BPS-09) conducted by the Sindh Public Service Commission pursuant to Consolidated Advertisement No. 06/2024 dated 19.07.2024, are illegal, void ab initio, and liable to be set aside. Ancillary reliefs for judicial inquiry, production of record, re-conduct of recruitment, suspension of appointments, and declaration of the Petitioner’s eligibility have also been sought.

2. Learned counsel for the Petitioner contends that despite qualifying the written examination, the Petitioner was declared ineligible on the ground that his Bachelor’s degree was issued 14 days after the closing date of the advertisement, whereas similarly placed candidates, including those overage or possessing delayed qualifications, were granted relaxation and were appointed. It is urged that such selective application of eligibility criteria amounts to discrimination, arbitrariness, and malafide exercise of authority, in violation of the fundamental rights guaranteed under Articles 4, 10-A, 18, 25, and 27 of the Constitution. It is further submitted that the Petitioner’s representation under the relevant rules was

dismissed through a non-speaking order, without addressing the core grievances, thereby offending the principles of natural justice. He prayed to allow the petition.

3. Conversely, learned Additional Advocate General Sindh, assisted by counsel for the Commission, and learned counsel representing the private respondents submit that the recruitment process was conducted strictly in accordance with law, rules, and prescribed procedure. He has referred to the comments and supporting documents, including particulars of candidates cited by the Petitioner, to demonstrate that no ineligible candidate was granted undue favor and that the process remained transparent and merit-based. It is, therefore, contended that no case is made out for declaring the entire recruitment process void. They prayed to dismiss the petition.

4. We have heard the learned counsel for the parties present in the court and perused the record with their assistance.

5. At the outset, it is noted that the extraordinary constitutional jurisdiction of this Court is not ordinarily exercised to annul an entire recruitment process unless gross illegality, patent mala fides, or systemic violation of law affecting the whole process is established. In the present case, while the Petitioner has raised a grievance of discriminatory treatment, the same essentially revolves around the question of his individual eligibility vis-à-vis certain other candidates, which requires factual determination and scrutiny of record by the competent authority, which the court cannot undertake under Article 199 of the Constitution.

6. At the same time, it cannot be overlooked that if similarly placed candidates were treated differently, the matter would raise a legitimate concern regarding equal treatment and fairness in public employment. Such determination necessitates a proper examination by the Commission itself, being the statutory forum equipped to assess eligibility, verify documents, and address discrepancies, if any.

7. In this backdrop, without disturbing the entire recruitment process which, prima facie, does not suffer from such pervasive illegality warranting its annulment, we deem it appropriate to remand the matter for reconsideration of the Petitioner's grievance only, by the competent authority a fresh, after providing meaningful hearing.

8. Accordingly, with the consent of the learned counsel for the parties and without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction that the memo of petition shall be treated as a representation and office to forward the same to the Chairman, Sindh Public Service Commission, who shall constitute a Board comprising two Members, headed by him, for reconsideration of the Petitioner's case strictly on merits. The

Board shall provide an opportunity of hearing to the Petitioner, examine his grievance in the light of the applicable rules, as well as the cases of similarly placed candidates who were considered for interview and recommended for appointment, if any, and shall pass a reasoned and speaking order in accordance with law, ensuring observance of the principles of equality and non-discrimination. It is further clarified that any previous observations or findings recorded by the appellate committee by the SPSC shall not prejudice or influence the independent assessment of the Board, which shall undertake a fresh determination of the matter strictly in accordance with law. However, if his case is found to be genuine such recommendation shall be forwarded to the competent authority for appropriate orders.

9. It is further observed that, in the event it is found that similarly placed candidates were granted relaxation in age or otherwise treated differently, the Commission shall examine the Petitioner's case strictly on the touchstone of equality and non-discrimination, so as to ensure adherence to the constitutional mandate of fairness, merit, and transparency in public employment. However, it is clarified that this Court has reservations with regard to the question of age relaxation, by the SPSC, if any, as the same does not fall within the domain of the Sindh Public Service Commission as per legal analogy, which is required to be determined by the competent Government authority in accordance with the applicable rules and policy. Nonetheless, since the Petitioner is already in litigation on this very issue, the Commission shall also take into consideration the said aspect while examining his case and strictly in accordance with law. This entire exercise shall be concluded within a period of one month from the date of receipt of this order.

10. It is clarified that the observations made herein are confined to the peculiar facts of the present case and shall not be treated as a precedent for other cases.

11. The petition along with pending application(s) stands disposed of in the above terms. Let a copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE